In the High Court of Punjab & Haryana at Chandigarh.

Civil Revision No.4331 of 2006.

Date of decision:15.9.2006.

Amarjeet Kaur.

...Petitioner.

Versus

State of Haryana and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Krishan Singh, Advocate for the petitioner.

...

Judgment.

S. N. Aggarwal, J.

Amarjeet Kaur petitioner filed Civil Suit against the respondents for permanent injunction. The respondent-Gram Panchayat through its Sarpanch Smt. Resho Devi had filed written statement in which the case of the petitioner was almost admitted. During the pendency of the suit, the election of the Gram Panchayat Balouli took place and new Sarpanch was elected. The respondent-Gram Panchayat through the newly elected Sarpanch filed an application under Order 6 Rule 17 read with Section 151 CPC for amendment of written statement. It was pleaded that Smt. Resho Devi had pleaded facts in the

written statement which were contrary to the record. The suit property was owned by the respondent- Gram Panchayat even as per the resolution passed by the respondent-Gram Panchayat under the chairmanship of Smt. Resho Devi but she wrongly pleaded in the written statement that the Panchayat has nothing to do with the suit property and pleaded in favour of the petitioner. By seeking amendment, the respondent-Gram Panchayat wants to place true facts before the Court by asserting its ownership. The said application was allowed by the learned trial Court vide impugned order dated 22.5.2006.

Hence this Revision Petition.

The submission of learned counsel for the petitioner was that the petitioner had a very good case and the respondent-Gram Panchayat by the written statement had made certain admissions in favour of the petitioner. Through the amendment, the respondent-Gram Panchayat wants to withdraw the earlier admission made by the respondent-Gram Panchayat in favour of the petitioner. If the respondent-Gram Panchayat is allowed to do so, the petitioner would suffer serious prejudice.

This submission has been considered.

It has been specifically alleged that the respondent-Gram Panchayat wants to amend its written statement on the basis of record available in the Gram Panchayat. Certain allegations were made against the previous Sarpanch Smt. Resho Devi. Since the amendment is based

on the official record of the respondent-Gram Panchayat, therefore, the amendment deserves to be allowed. Therefore, the learned trial Court has rightly accepted the application for amendment.

The law of amendment is very liberal. Reference may be made to the judgments of Hon'ble Supreme Court reported as **Baldev Singh and others etc.Vs.Manohar Singh and another etc.,** 2006(3) Civil Court Cases 573 (SC) and **Rajesh Kumar Aggarwal & Others Vs.K.K.Modi and others,** 2006(3) Civil Court Cases 57. The respondent-Gram Panchayat is seeking withdrawal of an admission which was made illegally by its former Sarpanch. The petition for amendment has been allowed by the learned trial Court by exercising its discretion judiciously.

No ground to interfere in the impugned order.

Dismissed.

September 15,2006. (S. N. Aggarwal)
Jaggi Judge